

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Part 45****[USCG 1998-4623] - 4****RIN 2115-AF38****Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan**

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to allow certain unmanned dry cargo river barges to be exempt from the normal Great Lakes load line requirements to operate on Lake Michigan. Instead, these river barges would need to obtain a limited domestic service load line for two specific routes (between Chicago, Illinois and Milwaukee, Wisconsin; and between Chicago and Muskegon, Michigan). This proposed rule will allow certain non-hazardous cargoes originating at inland river ports to be directly transported as far as Milwaukee and Muskegon by river barge, thereby realizing the benefits of the relatively low cost-per-ton-mile of river barge transportation.

DATES: Comments must reach the Coast Guard on or before January 4, 1999.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG 1998-4623), U.S. Department of Transportation, Room PL-401, 400 Seventh Street SW, Washington, DC 20593-0001, or deliver them to room PL-401, on the Plaza Level of the Nassif Building at the same address, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-267-1477.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and documents, as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this proposed rule, contact Mr. Thomas Jordan, Office of Marine Safety and Environmental Protection (G-MSE-2), U.S. Coast Guard Headquarters, Room 1308, telephone 202-267-0142. For questions on viewing or submitting material to the docket, contact Dorothy Walker, Chief,

Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (USCG 1998-4623) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Docket Management Facility at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Before the establishment of limited service domestic voyage load line routes on Lake Michigan, barge cargoes originating at inland river ports and destined for Lake Michigan ports had to be transferred to a Great Lakes load lined vessel at Chicago (Calumet Harbor). This transshipment was necessary because the present load line regulations do not allow vessels onto the Great Lakes without a Great Lakes load line, and river barges typically do not meet all the requirements for unrestricted service on the Great Lakes.

In January 1991, the Port of Milwaukee approached the Coast Guard to explore the possibility of establishing a relaxed domestic load line that would allow river barges to operate along the western shore of Lake Michigan between Chicago and Milwaukee. Later that year, a barge company made a similar request for an eastern Lake Michigan route between Chicago and Muskegon, Michigan. The motivation for these route requests was economic. River barges offer relatively low costs per ton-mile to move cargo and can therefore deliver cargoes to the Lake

ports less expensively. These routes could thereby stimulate more economic activity in the port regions as well.

Because river barges are not designed to operate in the severe weather conditions experienced on the Great Lakes, the American Bureau of Shipping (ABS), the Coast Guard, and the industry worked together to determine the appropriate operational restrictions and other requirements that would allow river barges to safely venture onto Lake Michigan. It was recognized that river barges can only operate on Lake Michigan during fair-weather periods and only on carefully selected routes. The group reviewed weather conditions and available ports of refuge along the proposed routes.

On September 21, 1992, the Coast Guard published a notice in the **Federal Register** (57 FR 43479) that established a limited service domestic load line route on western Lake Michigan between Chicago, Illinois (Calumet Harbor) and Milwaukee, Wisconsin.

On March 31, 1995, the Coast Guard published a second notice in the **Federal Register** (60 FR 16693), announcing establishment of another limited service route. This route is along the eastern side of Lake Michigan between Chicago (Calumet Harbor) and St. Joseph, Michigan (Benton Harbor). With the exception of the limiting wind conditions, the requirements are the same for both routes. The prevailing weather patterns on the new eastern route make it necessary for the requirements to be different from the western route. In addition, the second notice also imposed a new requirement for both routes. This new requirement stated that the lead barge in the tow had to be rake-ended rather than box-ended. The notice also allowed the initial load line survey of barges less than 10 years old to be conducted afloat, and it also prohibited cargo movements between ports on the two different routes without first entering the river system at Calumet Harbor.

On September 28, 1995, the Coast Guard published a third notice in the **Federal Register** (60 FR 50234) revoking the rake-ended barge requirement imposed by the second notice. This notice was in response to several comments pointing out that the restriction was not necessary.

On August 26, 1996, the Coast Guard published a fourth notice in the **Federal Register** (61 FR 43804) extending the eastern route from St. Joseph, Michigan to Muskegon, Michigan. This extension required some special considerations, principally because the ports of refuge are further apart. Accordingly, the Coast Guard, ABS, and local barge industry

representatives developed some additional operational requirements for barges traveling this extended route.

Discussion of Proposed Rules

The requirements for the Chicago/Milwaukee and Chicago/Muskegon routes have already been presented and discussed in the previous **Federal Register** notices (see Background section of this notice).

Subpart E of 46 CFR part 45, "Unmanned River Service Dry Cargo Barges," already provides a load line exemption for river barges operating on Lake Michigan on the Chicago/Burns Harbor route. Therefore, this subpart is being reorganized to incorporate the new Milwaukee and Muskegon route requirements.

With four exceptions (discussed below), all of the requirements appearing in the original subpart E or the **Federal Register** notice of 61 FR 43804 of August 26, 1996 have been retained. Some parts of subpart E have been reworded and consolidated using Plain Language to make the organization of the material easier to read.

The first exception concerns the proposed wind speed limits for the Milwaukee and Muskegon routes. As published in the **Federal Register** of August 26, 1996, these were originally set at continuous wind speeds of 15 knots and 20 knots for certain wind directions. In response to the **Federal Register** notice, two comments were received which recommended revising these limits to be sustained wind speeds of 16 and 21 knots, respectively. The reason for this recommendation is that the Great Lakes Marine Weather Forecast (MAFORS) reports "sustained winds" (vice "continuous winds") in slightly different speed ranges. For example, MAFORS 1 is winds of 11 to 16 knots, and MAFORS 2 is winds of 17 to 21 knots. The commenters believe that the Federal wind speed limits should align with actual forecasts that are used by most mariners on the Lake. The Coast Guard agrees with this recommendation and has incorporated it into this proposal.

The second exception concerns the ban on having cargo originating at one Lake Michigan port from being delivered to another Lake port without first entering the river system at Calumet Harbor. The original reason behind this ban was that the Lake Michigan routes were intended to connect Milwaukee and Muskegon to inland (river) ports, not to each other. Comments have been received, however, arguing that this ban is economically based, not safety based and therefore is not an appropriate

limitation. The Coast Guard concurs and the proposed regulations remove this ban; however, further comments on this issue are requested.

The third exception is that the allowable offshore distances for the different routes have been harmonized. Specifically, the original regulations for the Burns Harbor route did not specify any horsepower requirement but limited the tow to "not farther than 5 miles from a harbor of refuge." The later notices for the other routes (Milwaukee, St. Joseph, and Muskegon) specify a minimum horsepower requirement but allow the tows to be "not more than 5 nautical miles from shore," which is a more flexible standard. The proposed regulations remove the harbor-of-refuge limitation for Burns Harbor tows and allow them 5 nautical miles offshore, but also impose a minimum requirement of 1,000 HP for the towboat (same as for tows to St. Joseph).

Similarly, the fourth exception harmonizes the Burns Harbor weather restrictions with the restrictions applicable to all tows on the eastern side of Lake Michigan, (which sail past Burns Harbor). Specifically, the present regulations for the Burns Harbor route limit tows to "fair weather conditions" whereas the St. Joseph/Muskegon route weather limits are more specifically defined (wind speeds and wave heights). Tows to Burns Harbor are now subject to the same limits as the other eastern Lake routes.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a) (3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This regulatory action imposes costs only on those unmanned dry cargo river barge operators who voluntarily decide to obtain this particular load line for their barges. The American Bureau of Shipping (ABS) issues U.S. load lines. ABS indicates that approximately 12 barges may obtain load line certificates each year. The principal cost of obtaining a load line under this rule results from ABS's level of effort to survey barges and review their design.

The unit cost is typically less than \$3,000, although costs will vary from barge to barge, depending upon its design and material condition. In return for this cost investment, the barge operator will have commercial opportunities to move certain cargoes on Lake Michigan from inland river ports to Milwaukee, Muskegon, and intermediate Lake ports. It is expected that the barge operators will not incur the load line cost unless they anticipate a satisfactory return on their investment.

The economic impact of this rulemaking on the local region is expected to be generally beneficial, since these regulations are likely to promote intermodal competition among waterborne and overland modes. It has been several years now since these barges have been permitted to operate in Milwaukee. The Coast Guard requests estimates of cargo volumes that may be shipped by barge as a result of this proposal and prospective effects on other transportation modes. The Coast Guard also requests comments on the costs, benefits, and other economic impacts of this load line program.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This new load line program proposal will be open to all river barge operators, including those that qualify as small entities. The Coast Guard believes that many of the affected operators are small entities. While compliance with these load line regulations would require an initial investment of about \$3,000, the regulations are voluntary and provide flexibility and choice to small entities, as well as other affected operators.

The proposed program is expected to expand the cargo base and potential business of barges on the affected routes and increase modal and intermodal competition for certain cargoes.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please

submit a comment to the Docket Management Facility at the address under **ADDRESSES** explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Mr. Thomas Jordan, Office of Marine Safety and Environmental Protection (G-MSE-2), 202-267-0142. Copies of this NPRM will also be mailed to local Small Business Development Centers.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This proposed rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). As defined in 5 CFR 1320.3(c), "collection of information" includes reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of the respondents, and an estimate of the total annual burden follow. Included in the estimate of the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan.

Summary of the Collection of Information: This proposal contains collection of information requirements for 46 CFR part 45.

Need for Information: This proposal extends load line provisions to unmanned dry cargo river barges operating on certain areas of Lake Michigan.

Proposed Use of Information:

Information collection is necessary so that the Coast Guard may determine that the vessel complies with minimum design standards before and after certification, as well as prove noncompliance in case of delinquent vessels.

Description of the Respondents:

Unmanned dry cargo river barges operating on certain areas of Lake Michigan may obtain load line certification.

Number of Respondents: The Coast Guard estimates that 12 such barges may seek certification.

Frequency of Response: Each vessel must respond once annually.

Burden of Response: The Coast Guard estimates that 9.33 hours will be spent by each vessel that chooses to gain load line certification.

Estimates Total Annual Burden: The total annual burden of extending these load line provisions to the 12 unmanned dry cargo barges operating on certain areas of Lake Michigan is 112 hours.

As required by section 3507(d) of the Paperwork Reduction Act of 1995, the Coast Guard has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

The Coast Guard solicits public comment on the proposed collection of information to (1) evaluate whether the information is necessary for the proper performance of the functions of the Coast Guard, including whether the information would have practical utility; (2) evaluate the accuracy of the Coast Guard's estimate of the burden of the collection, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the collection on those who are to respond, as by allowing the submittal of responses by electronic means or use of other forms of information technology.

Persons submitting comments on the collection of information should submit their comments both to OMB and to the Docket Management Facility where

indicated under **ADDRESSES** by the date under **DATES**.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Before the requirements for this collection of information become effective, the Coast Guard will publish a notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub. L. 104-4, 109 Stat. 48), requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A "Federal mandate" is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in one year, the UMRA analysis is required. This rule does not impose Federal mandates on any State, local, or tribal governments, or the private sector.

Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that under figure 2-1, paragraph (34) (d) (e), of Commandant Instruction M16475.1C, that it is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 46 CFR Part 45

Great Lakes, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to amend 46 CFR part 45 as follows:

PART 45—GREAT LAKES LOAD LINES

1. The authority citation for part 45 continues to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.46.

2. Revise Subpart E to read as follows:

Subpart E—Unmanned River Barges on Lake Michigan Routes**Sec.**

- 45.171 What is the purpose of this subpart?
- 45.173 Which barges are eligible for the exemptions under this subpart?
- 45.175 What routes does this subpart apply to?
- 45.177 What are the freeboard requirements?
- 45.179 What are the cargo limitations?
- 45.181 What are the exemption requirements for the Burns Harbor route?
- 45.183 What are the load line requirements for the Milwaukee, St. Joseph, and Muskegon routes?
- 45.185 What are the tow limitations?
- 45.187 What are the weather limitations?
- 45.191 What are the pre-departure requirements?
- 45.193 What are the towboat power requirements?
- 45.195 What are the additional equipment requirements for towboats on the Muskegon route?
- 45.197 What are the operational plan requirements for the Muskegon route?

Subpart E—Unmanned River Barges on Lake Michigan Routes**545.171 What is the purpose of this subpart?**

(a) This subpart defines conditions under which certain unmanned, river-service, dry-cargo barges may be exempted from the Great Lakes load line requirements of this part while operating on certain Lake Michigan routes.

(b) The requirements of this subpart are summarized in the following table:

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Table 45.171(b)
Load Line Requirements for
Dry Cargo River Barges Operating on Lake Michigan

	Voyages between Calumet Harbor (Chicago), IL and:				
	Milwaukee	Burns Harbor	St Joseph	Muskegon	Comments
Load line required:	Yes	Loadlineexemption	Yes	Yes	Limited service domestic voyage load line in lieu of full Great Lakes load line For Burns Harbor LL exemption, see 45.181
Where to apply:	ABS	MSOChicago	ABS	ABS	ABS Americas, 15855 Northchase Dr. Houston, TX 77060 USCG Marine Safety Office, 215 W. 83rd St - Suite D, Burr Ridge, IL 60521
Freeboard requirement:	All barges: freeboard at least 24 inches (610mm). Additionally, openhopperbarges: coaming height + freeboard at least 54 inches (1,372mm).				
Tow limitations:	Barges must be unmanned. Not more than 3 barges per tow. Not more than 5 nautical miles from shore.				
Cargo limitations:	Dry cargoes only. No hazardous materials.				Liquid cargoes, even in drums or tank containers, may not be carried. HazMats are defined in 46 CFR part 148 and 49 CFR chapter 1, subchapter C.
Weather limitations:	Adverse conditions that imperil tow or access to shelter.				Voyage may not begin, or must be broken off and proceed to shelter, if conditions exceed these limits.
keconditions:	4 feet (1.2 m)				
Wave height:					
Sustained winds:	16 kts from NE, E, SE 21 kts from N, NW, W, SW, S	16 kts from N, NW, W, SW 21 kts from NE, E, SE, S			
Pre-departurepreps::	Yes	Yes	Yes	Yes	As specified in 45.191
Towboat requirements:	Sufficient to handle tow, but at least 1,000 HP.			Sufficient to handle tow, but at least 1,500 HP.	As specified in 45.193
Power:	Recommended.			Required.	As specified in 45.195(a)
Communication system:	"			"	As specified in 45.195(b)
Cutting gear:	"			"	As specified in 45.197
Operational plan:	"			"	

§ 45.173 Which barges are eligible for the exemptions under this subpart?

The barges eligible for the exemption under this subpart are as follows:

(a) Unmanned, dry-cargo barges operating between Calumet Harbor (Chicago), IL, and Burns Harbor, IN, may be exempted from the requirements that they have a load line if they are operated in accordance with this subpart.

(b) Unmanned, dry-cargo barges operating between Calumet Harbor (Chicago), IL, and Milwaukee, WI, or between Calumet Harbor and Muskegon, MI, may be exempted from the Great Lakes load line requirement if they are issued a limited-service, domestic-voyage load line, and are operated in accordance with this subpart.

§ 45.175 What routes does this subpart apply to?

This subpart applies to the following routes on Lake Michigan, between Chicago (Calumet Harbor), IL, and-

- (a) Milwaukee, WI;
- (b) Burns Harbor, IN;
- (c) St. Joseph, MI; and
- (d) Muskegon, MI.

§ 45.177 What are the freeboard requirements?

The freeboard requirements are as follows:

(a) All barges operating under this subpart must have a minimum freeboard of 24 inches (610 mm).

(b) Additionally, open hopper barges must have a combined freeboard plus cargo-box-coaming height of at least 54 inches (1,372 mm).

§ 45.179 What are the cargo limitations?

The cargo limitations are as follows:

(a) Only dry cargoes may be carried. Liquid cargoes, even in drums or tank containers, may not be carried.

(b) Hazardous materials, as defined in part 148 of this chapter and 49 CFR chapter 1, subchapter C, may not be carried.

§ 45.181 What are the exemption requirements for the Burns Harbor route?

In order for a barge on the Burns Harbor route to be exempt from the requirements that it have a load line, the following requirements must be met:

(a) The barge must be operated only between Calumet Harbor and Burns Harbor and must be operated in accordance with this subpart.

(b) The owner of the barge must apply for this exemption in writing to the Officer in Charge, Marine Inspection (OCMI), U.S. Coast Guard Marine Safety Office, 215 W. 83rd St-Suite D, Burr Ridge, IL 60521. The application may be in any form and must be signed by the

owner or an officer authorized to represent the barge's owner. No form or certificate will be returned. However, the owner's certification will be kept on file. The owner of a barge for which a load line exemption is in effect must notify the OCMI of the transfer of ownership, change of service, or other disposition of the barge.

(c) The owner and operator must agree to maintain the barge and comply with the operational requirements of this subpart.

(d) The application must include the following general information:

- (1) Barge name.
- (2) Type.
- (3) External dimensions.
- (4) Types of cargo.
- (5) Official number or other classification number.
- (6) Owner and operator addresses and telephone numbers.
- (7) Place and date built.

(e) The application must state and certify-

(1) That the barge has been designed and built to at least the minimum scantlings of the ABS River Rules which were in effect at the time of construction; and

(2) That the applicable provisions of 46 CFR part 45, subpart E, will be complied with before and during all voyages between Chicago (Calumet Harbor), IL, and Burns Harbor, IN, and intermediate ports on Lake Michigan.

§ 45.183 What are the load line requirements for the Milwaukee, St. Joseph, and Muskegon routes?

The load line requirements for the Milwaukee, St. Joseph, and Muskegon routes are as follows:

(a) Load line *certificate*:

(1) The load line issued under this subpart must be a limited-service, domestic-voyage load line.

(2) Except as provided under paragraph (b) (2) (vi) of this section, the term of the certificate is five years.

(3) The load line certificate is valid for the Milwaukee, St. Joseph, and Muskegon routes and intermediate ports. However, operators must comply with the route-specific requirements on the certificate.

(4) The freeboard assignment, operational limitations, and towboat requirements of this subpart must appear on the certificate.

(b) Conditions of assignment.

(1) An initial load line survey under § 42.09-25 of this chapter and subsequent annual surveys under § 42.09-40 of this chapter are required.

(2) At the request of the barge owner, the initial load line survey may be conducted with the barge afloat if the following conditions are met:

(i) The barge is less than 10 years old.

(ii) The draft during the survey does not exceed 15 inches (380 millimeters).

(iii) The barge is empty and thoroughly cleaned of all debris, excessive rust, scale, mud, and water. All internal structure must be accessible for inspection.

(iv) Gaugings are taken to the extent necessary to verify that the scantlings are in accordance with approved drawings.

(v) The hull plating (bottom and sides) and stiffeners below the light waterline are closely examined internally. If the surveyor determines that sufficient cause exists, the surveyor may require that the barge be drydocked or hauled out and further external examination conducted.

(vi) The initial load line certificate is to be issued for a term of 5 years or until the barge reaches 10 years of age, whichever occurs first. At that time, the barge must be drydocked or hauled out and be fully examined internally and externally.

§ 45.185 What are the tow limitations?

The tow restrictions are as follows:

- (a) Barges cannot be manned.
- (b) No more than three barges per tow.
- (c) Tows cannot be more than 5 nautical miles from shore.

§ 45.187 What are the weather limitations?

The weather restrictions are as follows:

(a) The weather limits (ice conditions, wave height, and sustained winds) are specified in § 45.171 (b), table 45.171 (b).

(b) If weather conditions are expected to exceed these limits at any time during the voyage, the tow may not leave harbor or, if already underway, must proceed to the nearest appropriate harbor of safe refuge.

§ 45.191 What are the pre-departure requirements?

Before beginning each voyage, the towing vessel master must conduct the following:

(a) *Weather forecast*. Determine the marine weather forecast along the planned route, and contact the dock operator at the destination port to get an update on local weather conditions.

(b) *Inspection*. Inspect each barge of the tow to ensure that each meet the following requirements:

(1) A valid load line certificate, if required, is on board.

(2) The barge is not loaded deeper than permitted.

(3) The deck and side shell plating are free of visible holes, fractures, or serious indentations, as well as damage that would be considered in excess of normal wear.

(4) The cargo box side and end coamings are watertight.

(5) All manholes are covered and secured watertight.

(6) All voids are free of excess water.

(7) Precautions have been taken to prevent shifting of cargo.

(c) **Verifications.** On voyages north of St. Joseph, the towing vessel master must contact a mooring/docking facility in St. Joseph, Holland, Grand Rapid, and Muskegon to verify that sufficient space is available to accommodate the tow. The tow cannot venture onto Lake Michigan without confirmed space available.

(d) **Log entries.** Before getting underway, the towing vessel master must note in the logbook that the pre-departure barge inspections, verification of mooring/docking space availability, and weather forecast checks were performed.

545.193 What are the towboat power requirements?

The towing vessel must meet the following requirements:

(a) **General.** Have adequate horsepower to handle the tow, but not less than the amount specified for the route in this section.

(b) **Milwaukee, Burns Harbor, and St. Joseph routes.** Have a minimum of 1,000 HP.

(c) **Muskegon route.** Have a minimum of 1,000 HP to St. Joseph and a minimum of 1,500 HP from St. Joseph to Muskegon.

§ 45.195 What are the additional equipment requirements for towboats on the Muskegon route?

The additional equipment requirements for towboats on the Muskegon route that go beyond St. Joseph are as follows:

(a) **Communication equipment.** Two independent voice communication systems in operable condition, such as Very High Frequency (VHF) radio, radiotelephone, or cellular phone. At least two persons aboard the vessel must be capable of using the communication systems.

(b) **Cutting gear.** Equipment that can quickly cut the towline at the towing vessel. The cutting gear must be in operable condition and appropriate for the type of towline being used, such as wire, polypropylene, or nylon. At least two persons aboard the vessel must be capable of using the cutting gear.

§ 45.197 What are the operational plan requirements for the Muskegon route?

The towing vessel on the Muskegon Route must have aboard an operational plan that is available for ready reference

by the master. The plan must include the following:

(a) The cargo limitations, the general operational requirements, and the special operational requirements of this subpart.

(b) A list of mooring and docking facilities (with phone numbers and area codes) in St. Joseph, Holland, Grand Haven, and Muskegon that can accommodate the tow.

(c) A list of towing firms (with phone numbers and area codes) that have the capability to render assistance to the tow, if required.

(d) Guidelines for possible emergency situations, such as barge handling under adverse weather conditions, and other emergency procedures.

Dated: October 20, 1998.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

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on the FCC's Internet site. The URL address for the FCC's Internet Home Page is <<http://www.fcc.gov>>. The en banc will also be carried live on the Internet. Internet users may listen to the real-time audio feed of the en banc by accessing the FCC Internet Audio Broadcast Home Page. Step-by-step instructions on how to listen to the audio broadcast, as well as information regarding the equipment and software needed, are available on the FCC Internet Audio Broadcast Home Page. The URL address for this home page is <http://www.fcc.gov/realaudio/>. Audio and video tapes of the en banc may be purchased from Infocus, 34 1 Victory Drive, Herndon, VA 20 170, by calling Infocus at (703) 834-0100 or by faxing infocus at (703) 834-O 111.

Federal Communications Commission.

Lisa S. Gelb,

Chief, Accounting Policy Division, Common Carrier Bureau.

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